

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
GABRIEL BONO, MI P71570
Special Assistant United States Attorney
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
Telephone: 214.767.8393
Fax: 415.744.0135
Email: Gabriel.Bono@ssa.gov

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN CLARK WILLIAMS,

Plaintiff,

vs.

Kilolo Kijakazi,
Acting Commissioner of Social Security,

Defendant.

)
) Case No. 3:22-CV-00523-CSD
)

) **ORDER GRANTING**
) **STIPULATION TO VOLUNTARY REMAND**
) **PURSUANT TO SENTENCE FOUR OF 42**
) **U.S.C. § 405(g)**
)
)

**STIPULATION TO VOLUNTARY REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. § 405(g)**

COMES NOW Defendant, KILOLO KIJAKAZI, Acting Commissioner of Social Security
(Commissioner), and respectfully moves this Court to reverse and remand the above-captioned case to
the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for the following reasons:

I.

Plaintiff filed this action seeking judicial review of the Commissioner's final decision denying
his application for disability insurance benefits under the Social Security Act (Act). The
Commissioner requests that this Court remand this case to allow the Commissioner to conduct further

1 proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89
2 (1991).

3 II.

4 Authority for this request is found in 42 U.S.C. § 405(g), which permits remand of a case to the
5 Commissioner for further administrative action. In *Melkonyan*, 501 U.S. at 97-103, the Supreme
6 Court clearly stated that 42 U.S.C. § 405(g) permits only two types of remand orders. The fourth
7 sentence of Section 405(g) authorizes a district court to enter “a judgment affirming, modifying, or
8 reversing the decision of the [Commissioner], with or without remanding the case for rehearing.” *Id.*
9 at 97-101 (*citing* 42 U.S.C. § 405(g)). The fourth sentence of Section 405(g) further states that the
10 remand order may be entered upon the pleadings and transcript of the record. 42 U.S.C. § 405(g). A
11 sentence six remand is granted before the Commissioner files an answer or is granted in light of
12 additional evidence upon a showing that there is good cause for failing to incorporate the additional
13 evidence into a prior proceeding. *Melkonyan*, 501 U.S. at 100-01.

14 The Supreme Court has held that a remand for further administrative proceedings, such as the
15 remand requested in this matter, is a sentence four remand within the meaning of 42 U.S.C. § 405(g).
16 *See Shalala v. Schaefer*, 509 U.S. 292 (1993); *see also Sullivan v. Finkelstein*, 496 U.S. 617, 625-26
17 (1990) (sentence four provides the appropriate relief when the evidence on the record is insufficient to
18 support the Commissioner’s conclusions and further fact-finding is necessary).

19 III.

20 The Commissioner respectfully submits that an order to reverse and remand for further
21 administrative proceedings requires the entry of a judgment that ends the instant action. The fourth
22 sentence of 42 U.S.C. § 405(g) requires entry of a judgment that ends this action. *See Shalala v.*
23
24
25
26

1 *Schaefer*, 509 U.S. at 297-98. The undersigned contacted Plaintiff's counsel, who stated that Plaintiff
2 does not oppose this motion.

3 WHEREFORE, Defendant prays that the Court reverse and remand the ALJ's decision for
4 further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).
5

6 Dated: September 15, 2023

Respectfully submitted,

7 /s/ Hal Taylor

8 HAL TAYLOR

(*as authorized via email on September 15, 2023)

9 Attorney for Plaintiff

10 Dated: September 15, 2023

Respectfully submitted,

11 JASON M. FRIERSON

12 United States Attorney

13 /s/ Gabriel Bono

GABRIEL BONO

14 Special Assistant United States Attorney

Attorneys for Defendant

15 IT IS SO ORDERED:

16 
17 UNITED STATES MAGISTRATE JUDGE

18 DATED: September 15, 2023
19
20
21
22
23
24
25
26